

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
BRANDON C. JAROCH
3 Assistant Federal Public Defender
Nevada State Bar No. 10944
4 411 E. Bonneville, Ste. 250
Las Vegas, Nevada 89101
5 (702) 388-6577/Phone
(702) 388-6261/Fax
6 Brandon_Jaroch@fd.org

7 Attorney for Rafael Velazquez

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 RAFAEL VELAZQUEZ,

15 Defendant.

Case No. 2:20-mj-466-BNW

**STIPULATION TO CONTINUE
BENCH TRIAL**
(Second Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Rachel Kent, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
20 Brandon C. Jaroch, Assistant Federal Public Defender, counsel for Rafael Velazquez, that the
21 bench trial currently scheduled on October 21, 2020, at 9:00 AM, be vacated and continued to
22 a date and time convenient to the Court, but no sooner than forty-five (45) days.

23 This Stipulation is entered into for the following reasons:

24 1. Counsel for the defendant needs additional time to conduct investigation in this
25 case in order to determine whether there are any pretrial issues that must be litigated and
26 whether the case will ultimately go to trial or will be resolved through negotiations.

2. The parties agree to the continuance.

3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided and prepare for trial.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code § 3161(h)(7)(B)(iv).

This is the second request for a continuance of the bench trial.

DATED this 15th day of October, 2020.

RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Brandon C. Jaroch
By _____

BRANDON C. JAROCH
Assistant Federal Public Defender

/s/ Rachel Kent
By _____

RACHEL KENT
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 RAFAEL VELAZQUEZ,

7 Defendant.

Case No. 2:20-mj-466-BNW

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

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10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Counsel for the defendant needs additional time to conduct investigation in this
14 case in order to determine whether there are any pretrial issues that must be litigated and
15 whether the case will ultimately go to trial or will be resolved through negotiations.

16 2. The parties agree to the continuance.

17 3. The additional time requested herein is not sought for purposes of delay, but
18 merely to allow counsel for defendant sufficient time within which to be able to effectively
19 and complete investigation of the discovery materials provided and prepare for trial.

20 4. Additionally, denial of this request for continuance could result in a
21 miscarriage of justice. The additional time requested by this Stipulation is excludable in
22 computing the time within which the trial herein must commence pursuant to the Speedy Trial
23 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
24 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

25 This is the second request for a continuance of the bench trial.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, October 21, 2020, at 9:00 a.m., be vacated and continued to 12/30/2020 at 9:00 AM.

DATED this 19th day of October, 2020.



UNITED STATES MAGISTRATE JUDGE